

## COOKS CASE OF THE NEGRO

Supreme Court Refuses to Interfere in Behalf of Alabama Coon.

### VIRGINIA CASE ON DOCKET

It Is Said That John S. Wise Has Dropped It for Sufficient Reason.

(From Our Regular Correspondent.)  
WASHINGTON, D. C., Feb. 23.—In the Supreme Court of the United States, a decision rendered to-day, finally and for good, cooks the case of the Alabama negro who was testing the suffrage provision of the new Constitution of that State. The case in question was that of Jackson W. Giles, a negro, against the board of registration of Montgomery county. One phase of the case was decided last spring by the court, when it was held that the right of suffrage was a political right, and that the Supreme Court had no jurisdiction.

Giles sued for damages for refusal of the board of registration to allow him to become a registered voter, and also sought to obtain a mandate to compel the board to allow his name to go on the voting list. The court denied this. Giles made the fight on the ground that the provision of the Constitution referred to was framed for the purpose of preventing negroes voting, and that he was refused registration because he was a negro.

#### The Opinion.

Justice Harlan dissented from the opinion of the court, which was delivered by Mr. Justice Day. The opinion sums up the contentions of each side, and then concludes:

"Now it is perfectly settled that unless a Federal right has been set up and denied in the State court, we have no right to review its decision, and after a very careful examination of this matter, and a due appreciation of the gravity of the charge made as to the political action of the State, we see no ground to distinguish from the universal rule as applied in this court affecting writs of error of this kind."

The case from the United States court from Richmond, of the negroes who are testing the constitutionality of the Virginia Constitution, will come up next month, it is thought. It is learned that John G. Carlisle was never associated with John S. Wise in the case as counsel for the negroes, and it is said that Mr. Wise has withdrawn. It is also said that many of the negroes who thought they were contributing with which to pay Mr. Carlisle, as well as Mr. Wise, are indignant upon discovering that the latter was really the only one in the case. Withdrawal of Mr. Wise from the case, if he really has withdrawn, may be due either to the dissatisfaction of the judges, or their failure to continue passing the hat, which Mr. Wise said while the case was on trial in Richmond would be the signal for his dropping the case.

**GOVERNOR'S VISIT.**  
Governor Montague and Mrs. Montague are in the city and visited the Capitol to-day, in company with Mrs. William A. Jones and Miss Walker, with whom Mrs. Montague is staying at Stoneleigh Court.

Governor Montague declared he did not have any news of interest to announce to his readers, and added that he had been having as good a time as he had in Alexandria yesterday at the Washington birthday celebration did not have much thought of news to-day. The Virginians here remark upon the exceedingly healthy appearance of the Governor, and agree that he never looked better. His Excellency was on the floor of the House for some time to-day.

**MARRIAGE LICENSES.**

Marriage licenses were granted yesterday to-day as follows: Mark T. Thompson and Ida Frederick and J. E. Powell and Daisy Tainter, both of Richmond.

John T. Chesbro and Anna Robinson, both of Petersburg.

James N. Spencer, of Alexandria, and Anna E. Barnett, of Richmond.

General William H. Payne, of Fauquier, but who spends the greater portion of his time in Washington, is at the Royal Poinciana at Palm Beach, Fla.

Mr. Thomas N. Davis, of Lynchburg, grand master of the Grand Lodge of Masons of Virginia, is in the city, accompanied by Dr. Carrington, of Richmond, the grand secretary.

**Mainly About People.**

Miss Ruby Cooke, daughter of J. E. Cooke, editor of the Valley Virginian, Waynesboro, Va., spent several days in the city last week.

Major Luther L. Chestwood, who has been confined to his residence by a severe cold, was out yesterday.

Mr. Melville G. Hughes continues very sick at his home, No. 521 North Third Street.

Mr. J. Milton Jennings, of Goodland county, is in the city.

Mr. Charles K. Coulling is quite sick with the grip at his residence on Cary Street.

## Catarth of Head and Throat Cured by TO-NI-TA.



Mrs. C. Spicer, Who Suffered From Catarth of the Head and Throat. Tubas, Was Permanently Cured By To-Ni-Ta.

My Dear Doctor: "I had a very severe case of catarth of the head and throat; in fact, one doctor said my lungs were affected. I could find nothing that did me any good. I would catch cold with every change of weather. It mattered not how I dressed. Finally I tried another doctor and he prescribed TO-NI-TA. The first bottle did more for me than all the medicine I had ever taken, and before I had taken three bottles I was completely cured. I have not had a cold since, and I feel perfectly strong and healthy. I have gained over twenty pounds."

"My social duties were very wearing, but since I have taken TO-NI-TA I feel so strong that no amount of nervous strain seems to affect me. Yours very truly, Mrs. C. Spicer, Kelona, British Columbia, Canada."

Every testimonial we publish is genuine, and the original letters can be seen at our office. No letter is published without the writer's consent.

TO-NI-TA will cure any case of catarth of the head, throat, lungs, stomach, kidneys, bladder, bowels and female organs. Thousands of hunters who have had the prescription brought to their attention say it is a Godsend to suffering humanity and the only cure for catarth that they have found safe to prescribe. Sold at all drug stores, or direct, \$1 per bottle.

"The Beautiful Story of Life" and doctors' advice free. Lorentz Medical Co., Flatiron Building, New York.

## MISS MONTAGUE FOR SPONSOR

The Fears of the Officials If Such Exist, Are Groundless.

(Special to The Times-Dispatch.)  
NEWPORT NEWS, VA., Feb. 23.—The news which was received here yesterday to the effect that Miss Gay Montague, the Governor's thirteen-year-old daughter, is not old enough and strong enough to act as sponsor for the battleship Virginia, has caused no little comment, and the general opinion is that either the report or the fears of the officials are groundless.

Little Miss Rhett, daughter of Mayor R. G. Rhett, of Charleston, S. C., who was christened the cruiser Charleston here recently, the young lady sent the Governor a letter asking that she be allowed to act as sponsor for the battleship. The letter attracted the attention of everyone who witnessed the christening, and it did not "lose her nerve" for a second. In fact, the only sponsor on record here as getting rattled was probably twice as old as Miss Rhett.

Now Miss Montague is very little younger, if any, than Miss Rhett, and there seems to be no reason why she should not carry out her part of the programme should she be named sponsor for the new fighter.

Even the idea that if the sponsor should fall to throw the bottle with sufficient force it might fall to break, and thereby dub the vessel a hoo-doo, is rather far-fetched. A strong cord, attached to the bottle, which is swung from the bow of the ship by another cord, is always held by a Superintendent. On the one occasion when the sponsor failed to break the bottle, it was hauled back to the christening stand and thrown again with better success.

**King William Republicans.**

(Special to The Times-Dispatch.)

KING WILLIAM, VA., Feb. 23.—King William Republicans in convention here yesterday, endorsed the national administration and the State party organization and elected the following delegates and alternates to be held at West Point March 1st, and to the State convention, to be held at Norfolk March 3d:

Morgan Trent, T. B. Sneed, Dr. W. A. Mitchell, Roland Jones, R. S. Ryland, Hansford Anderson, W. H. Brown and Ellis Jones.

**Enthusiastic Meeting.**

(By Associated Press.)

MOBILE, ALA., Feb. 23.—An enthusiastic meeting of citizens was held tonight in the Commercial Club, and many speeches were made congratulating the country and the port of Mobile upon the ratification of the canal treaty.

## MUST HANG IN ROANOKE

Mayor Cutchin Declares That the People Wish the Fiend Executed There.

### HAVE NOT BEEN LAWLESS

His Honor Makes a Strong Defense of Constituents and Says They Have Been Discreet.

Mayor Cutchin, speaking for the people of Roanoke, declares that the execution of the negro Williams should take place in that city. He also declares that the hanging should be public. The Mayor makes a strong defense of his people, who, he declares, have conducted themselves with discretion and moderation under most trying circumstances. His letter follows:

Editor of The Times-Dispatch:

Sir,—The awful crime committed in Roanoke on January 30, 1904, when Mrs. Shields and her little daughter were so fearfully injured, has stirred not only the State of Virginia, but adjoining States, causing Roanoke to be a center of attraction, and appears to have made a profound impression upon the lawmakers and State authorities at Richmond.

The measures introduced in the Legislature ostensibly to meet the Roanoke (or Williams) case, and the action of the Governor in sending so large a military escort, have had the effect of stirring the population of Roanoke to a degree which cannot be understood. Our people feel that they have been made to appear as a lawless community, and are much chagrined.

That the crime was a diabolical one none can deny. That the population, considering the time place and circumstances of the crime, were justly excited and enraged with a desire to wreak vengeance upon the brute would be the first thought of any man, is but natural. That any negro who in any way condoned such an act would be in danger is no surprise. Hence no stigma of lawlessness should be placed upon any people if under such exasperating circumstances the populace should drive from the city any negro who by his conduct had forfeited their respect. While the brute was at large, no citizen ran high, but as the day went by the people decided to let the law take its course, and pledged themselves to uphold and maintain the dignity of the law and the good name of the city and State. Not the least disturbance has marred the quietness of the city for ten days or more before the trial of Williams, and a small force, sufficient to keep back the curious crowd, would have been ample. The large military force sent from the White House since the days of Andrew Johnson, and in saying this no thought is had of his luncheon with Booker Washington, but solely of the far more important matter of the making appointments entirely from the North and West, of disregarding the wishes and the interests of the citizens of communities in the South, in which local officials are appointed, and of favoring and endorsing legislation which give the benefits of the Union to a majority of those sections are not identical with those of the section of the Union a majority in opposition to the party in power.

**WITHOUT AMENDMENT.**

Treaty Ratified by Large Vote of 66 to 14.

(By Associated Press.)

WASHINGTON, Feb. 23.—The United States Senate to-day ratified without amendment the treaty with Panama for a canal across the Isthmus of Panama by a vote of 66 to 14. The result was a foregone conclusion, and the division of the matter was in the division of the Democratic side, which was not definitely known until the roll was called. As was expected, all the Republicans voted for the ratification or were paired that way. Three Republicans who were absent and Senator Foster of Washington, whose name was in the list, did not vote.

Fourteen Democrats voted for ratification and fourteen against. Two Democrats, Clark, of Montana, and Stone, of Missouri, were paired in favor of the treaty, and three Democrats, O'Connell, McLaughlin and Clark, were paired against it.

**The Vote.**

The vote on the ratification of the treaty follows:

Yeas—Aldrich, Alger, Allee, Allison, Ankeny, Bacon, Ball, Bard, Berry, Beveridge, Burnham, Burrows, Clapp, Clark, Cockerill, Culom, Depew, Dietrich, Dillingham, Dooliver, Dryden, Elkins, Fairbanks, Foraker, Foster (Louisiana), Frye, Fulton, Gallinger, Gamble, Gibson, Hale, Hansborough, Heyburn, Holt, Hopkins, Keam, Kearns, Kittredge, Lettmer, Lodge, Long, McComas, McCreary, McCumber, McNary, Mallory, Millard, Mitchell, Money, Nelson, Penrose, Perkins, Platt (Connecticut), Platt (New York), Proctor, Quarles, Scott, Simmons, Smoot, Spooner, Stewart, Tallaferro, Warren, Wetmore, Wilson, Yates, and others.

Nays—Bryan, Datto, Blackburn, Carmack, Culberson, Daniel, Dubois, Gorman, Morgan, Newlands, Patterson, Pettus, Teller, Tillman—14.

The only other vote was on the amendment offered by Senator Bacon providing for an arrangement to compensate Colombia for loss of the territory of Panama. This was rejected by a vote of 24 to 49. It was a party vote on the affirmative side, and also on the negative side with the exception of Mr. Gibson and Mr. McNary, Democrats, who voted with the Republicans. Four Democrats were absent when this vote was taken, and no pairs were announced for them. Some Republicans also were absent on this vote.

Senators generally commend the management of the treaty by Senator Culberson, chairman of the Committee on Foreign Relations, who has had charge of the measure, during the plain and stormy sailing. The vote was taken

from the South in the Senate, that it is impossible to find Southern chairmen. That is only another form of the statement that the Republican party is not a party of the whole country.

One cannot shut one's eyes to the fact that Mr. Roosevelt is less the President of the whole country than any man who has been in the White House since the days of Andrew Johnson. And in saying this no thought is had of his luncheon with Booker Washington, but solely of the far more important matter of the making appointments entirely from the North and West, of disregarding the wishes and the interests of the citizens of communities in the South, in which local officials are appointed, and of favoring and endorsing legislation which give the benefits of the Union to a majority of those sections are not identical with those of the section of the Union a majority in opposition to the party in power.

**THE PANAMA TREATY**

**RATIFIED**

(Continued From First Page.)

North and West and one man to represent the South is an indication of the way in which the South is discriminated against in the administration of the House of Representatives. Speaker Cannon is not and never has been a national party in the sense of being representative of the whole country.

There is not a Southern man in the President's Cabinet. Those who know the calibre of the average member of the Cabinet and is also familiar with the fitness of some Southern Republicans for similar positions, realize very clearly that there is little chance as between them, Judge L. Lewis is as good a lawyer as the average Republican Attorney-General. Rutherford B. Hayes appointed Key, of Tennessee, to the postmaster-generalship, because he said he wanted a Southern man in the Cabinet, but nobody ever thought of Mr. Key as a representative Southern man. There has not been another man from the South in a Republican Cabinet since the war. Mr. Cleveland had several Southern men in the Cabinet, but he was a Democrat, and if there was ever lacking any evidence of the substantiality of the claim that the Democrats was the only national party in this country, Mr. Cleveland's course in appointing men from the North and the South impartially to office supplied it.

**Sectional Party.**

The striking sectionalism of the Republican party is nowhere more clearly seen than in the organization of the House of Representatives. Speaker Cannon is from Illinois, and the chairmen of the sixty committees of the House are all Republicans from the North and West. It is no reply to the argument that the Republican is a sectional party to say that there are a few Republicans

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